

**REMARKS**

Claims 1-5 are pending in the application.

Claims 1-5 have been rejected.

Claims 1-4 have been amended as set forth herein.

Claim 5 has been canceled herein.

Claims 1-4 remain pending in this application.

Reconsideration of the claims is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 3-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,067,123 to Lee. This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-76 (8th ed., rev. 4, October 2005) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Amended independent Claim 1 recites a switched input video device including a switch operable to sense a presence of a signal on a switched input and communicate the switched input to at least one of video improvement circuitry and transcoder circuitry in response to the sensed

signal. The Lee reference describes a switch 120 controlled by a microcomputer 108 according to a present viewing mode. *Lee, col. 5, lines 16-42*. Thus, Lee does not teach sensing the presence of a signal on a switched input and communicating the input to circuitry in response to the sensed signal, as recited in amended Claim 1.

For these reasons, amended independent Claim 1 is patentable over the Lee reference. Claims 3 and 4 depend from Claim 1 and include all the novel and non-obvious limitations recited in the base claim. Therefore, Claims 3 and 4 also are patentable over the Lee reference. The rejection of Claim 5 is rendered moot by the cancellation of Claim 5.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the § 102 rejection with respect to Claims 1, 3 and 4.

**REJECTION UNDER 35 U.S.C. § 103**

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee. The Applicant respectfully traverses the rejection.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October 2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.*

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

As argued with regard to Claim 1, Lee fails to teach all the limitations of Claim 1. Claim 2 depends from Claim 1 and includes all the novel and non-obvious limitations recited in Claim 1. As such, Lee fails to teach or suggest all the limitations of Claim 2, as required to establish a *prima facie* case of obviousness. For these reasons, Claim 2 is patentable over the Lee reference.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the § 103 rejection with respect to Claim 2.

**CONCLUSION**

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS P.C.

Date: July 23, 2007

  
\_\_\_\_\_  
William A. Munck  
Registration No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75380  
(972) 628-3600 (main number)  
(972) 628-3616 (fax)  
E-mail: *wmunck@munckbutrus.com*